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Review of *On Sovereignty and other Political Delusions* by Joan Cocks and *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism* by Sharon Krause

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Recommended Citation

Dobski, Bernard J. "Rev. of *On Sovereignty and other Political Delusions* by Joan Cocks and *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism* by Sharon Krause". *Interpretation: A Journal of Political Philosophy* vol. 42 no. 3 (2016): pp. 513-519.

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Joan Cocks, *On Sovereignty and other Political Delusions*. London: Bloomsbury, 2014, 188 pp., \$104.00 (hardcover).

Sharon Krause, *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism*. Chicago: University of Chicago Press, 2015, 249 pp., \$30.00 (cloth).

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It seems that wherever one looks in the Western world today, the notion of sovereignty, a principle that has characterized political life in the West for over two millennia, is under attack. The notion that political actors— be they states or citizens—possess an exclusive and legitimate monopoly on the exercise of power over their property and their “persons,” a notion crucial to the development of both international law and human rights, is increasingly viewed as chauvinistic, xenophobic, or the product of entrenched elite interests. One sees the effects of this attack on state sovereignty most clearly in the refugee crisis afflicting the European Union. Under the weight of a half century of non-European immigration, the Schengen Agreements, and the reigning orthodoxy of Europe’s intellectual and political elites, European states find themselves increasingly unable to determine who can and cannot legitimately lay claim to the benefits conferred by residence in their countries. As for the sovereignty of citizens, contemporary arguments over microaggressions, trigger warnings, “safe spaces” and “privilege” all circumscribe ever more narrowly the freedom of the individual to say, do, and think as he or she chooses under the law, arguments whose all too predictable consequences are now playing out on the campuses of America’s colleges and universities. It is thus a somber paradox that the American academy, an institution so deeply indebted to a robust conception of both national

and individual freedom, should be celebrating those efforts to declare sovereignty dead once and for all.

Two new books add their voices to the chorus of those cheering the demise of sovereignty: *On Sovereignty and Other Political Delusions* by Joan Cocks and *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism* by Sharon Krause. Cocks's brief work criticizes the exclusionary sovereignty of states through her treatment of the violence inherent in all acts of political founding, which she illustrates using two particular cases: the American government's mistreatment of Native Americans and the Palestinian diaspora created by the founding of the state of Israel. Krause, on the other hand, provides a sustained theoretical reflection on the conditions that characterize, enable, and limit individual agency and advances a new theory of freedom as nonoppression, one meant to make good on the promise of "freedom and justice for all."

Both Cocks and Krause argue against current and traditional conceptions of sovereignty on the grounds of our political, ecological, social, and spiritual interdependence. For Cocks, the critique of state sovereignty, a critique which is actually aimed at something much larger ("the sovereign conceit and ambition of. . . the individual, the ethnos, the demos, and the human race as a single entity" [4]), proceeds on the premise of the "intrinsic integrity, "spirit," and "interdependence of all species and elements of the earth" (85). Recognizing this interdependence entails "cultivating an ethical view of other life species as having a fundamental right to exist as we do, and a much more fundamental right than the 'right' of any state to exist, given the artificial as opposed to organic nature of the state form" (138). Because the modern nation-state requires arbitrary borders, separates one people from another, and can be created and preserved only through coercion (physical or otherwise), it naturally must destroy these other life forms. To realize truly the freedom one seeks, one must abandon the modern conception of sovereignty and the instruments of exclusion and oppression (like capitalism) on which it rests. Quoting Taiaiake Alfred, Cocks invites us to embrace a "responsibility to creation," engage in "balanced co-existence among all human, animal, and spirit beings together with the earth," and work to restore "harmony to the network of relationships. . . between human beings and all other creatures and natural elements of the universe" (79).

Krause, whose focus is the citizen, not the state, argues that agency within a domestic context ultimately depends on the conditions necessary for its "social uptake"; it is "an emergent property of intersubjective exchanges"

and not “solely a function of faculties such as the will that are strictly internal to the individual” (4). Individual freedom is therefore “a socially distributed phenomenon” (4), a factor, Krause argues, that privileged members of a society generally fail to recognize. By insisting on a “sovereigntist” view of agency, the beneficiaries of a system that perpetuates racism and sexism emphasize intentional choice and the control and efficacy of one’s actions, an emphasis which allows them to blame the oppressed for their inequality. Krause argues that this privileged perspective obstructs the realization of liberal individualism, namely “that every individual is entitled, within limits set by the equal entitlement of all, to live in this world in a way that manifests her distinctive individuality” (13). Freedom as nonoppression thus requires members of a liberal society to recognize “the distinctive individuality of each person” even though that individuality “is not reducible to the exercise of his personal choice” (148).

Unfortunately, the arguments that Cocks and Krause advance for recovering and strengthening the ties that bind us together both as citizens and as humans generally pay insufficient attention to the political preconditions required for the rejuvenation of such bonds. And in some cases, the positions they articulate would make these ties even more vulnerable. In their effort to free individuals from the oppression of states and society, they end up making people less free. Theirs is an antiliberal defense of liberalism. But before the reader can see these problems, he must first wade through abstract arguments and, at times, jargon-filled prose, as the following example from Cocks’s book attests:

poststructuralists asserted that the micro-operations of normalizing power in institutions and discursive practices dispersed throughout society produced individuals with desirable proclivities, habits, and traits that minimized the need for a centralized coercive power to keep subjects in line. In tandem or overlapping with technologies of “governmentality” in state and society through which whole populations were ordered for their own good and individuals remade as self-regulating, responsible private selves, normalizing power was declared to have replaced literal monarchical power and to have trumped the importance of the metaphorical monarch in the form of legal prohibitions against specific kinds of acts. (21–22)

Or consider Krause’s description of what happens when one praises one’s five-year-old niece for her beauty. Instead of bestowing a compliment, one would actually “interpellate her as the object (i.e., imprison her within) the gaze of another, and. . . constitute her as subject to standards of male,

heterosexual desire" (101). Such excerpts are not the worst examples of style one could find. But given what passes for clear and persuasive writing in the social sciences today, one is dealing with a very low bar. Then again, this is perhaps to be expected from works that draw from the same Foucauldian well whose jargon has cluttered academic discourse for decades. The real difficulties, however, are not so much stylistic as they are conceptual.

To confront these problems in Cocks's work, one must ignore the partisan tone that suffuses her self-described "meditation" (2), with its anticonservative axe-grinding, occasional jeremiad against capitalism, and soft Marxism. One should also set aside the fact that she roots her argument against state sovereignty, a concept so venerable it is coeval with political thought itself, in just two examples drawn from modernity. Instead, one should note that the arguments she makes against state sovereignty undermine the "natural freedom" she hopes to realize, a concept crucial to her argument but which she tacks on at the end of the book, almost as an afterthought, and thus leaves undertheorized. Cocks wants to "de-link the rights of individuals" to make arrangements in common from "membership in a people with exclusive power in and control over a specific territory" (9–10). But such delinking necessarily entails the destruction of a common good, that is, a good to be shared in common by the members of that community. The European Union provides a perfect example of what happens to the rights of individuals when the community refuses to insist on the integrity of its political identity and the exclusive borders that preserve it in the name of a global humanitarianism. Because they no longer take seriously the conditions required for the preservation of a particular political identity, an identity which insists on the equality of the sexes, the protection of children and minorities, and the promotion of intellectual, material, and ecological progress, European political elites must necessarily include in their communities (because they have no basis on which they can exclude or reject them) those who do not support such notions and who, in an increasing number of cases, actively work to undermine them.

Cocks can make these arguments because she indulges in the shallow moral relativism characteristic of contemporary progressivism: all ways of life are equal and entitled to protection except those that fail to profess its articles of faith. This allows her to emphasize Israeli mistreatment of Palestinians without highlighting the crimes perpetrated against Israel by Palestinian terrorist groups or its so-called moderate government (chap. 3). It allows her to perpetuate the narrow view that Native American tribes never

knew war or scarcity prior to the arrival of the settlers (chap. 2). And it allows her to take as sacrosanct the “right of first possessor” without ever wondering how chance alone could imbue acquisition with an exclusive moral claim, a claim which, if true, would raise a host of difficulties for a Middle East that was once almost entirely Christian.

Not surprisingly, Cocks’s brand of progressivism neglects the need to attend to the dynamics inherent in all common life. Thus she argues against the legitimacy of sovereign violence, conveniently forgetting that arms wielded by sovereign states also helped end injustices like slavery, genocide, and fascism. And she criticizes deliberation when it benefits the powerful, but not when it benefits the powerless. Thus the global conversation over the proper use and distribution of the world’s resources that Cocks envisions must reserve a privileged space for the ecological perspective of a tiny minority regardless of the vast differences in power, numbers, and interests of the parties involved. There is more than a whiff of elitism here. Cocks even concludes her book by indulging the “tempting” fantasy of “a benevolent monarchy with absolute power to impose earth-friendly rules of behavior on the entire human race” (139). Contemporary nation-states have certainly given us plenty of reason to wonder whether the freedom and prosperity they make possible are worth the inequality and violence that attend the creation of such goods. But Cocks abdicates from the beginning the sobering insight that the sovereignty which makes possible war and exclusion is also required for the preservation of those all too rare (and hence precious) partnerships dedicated to human freedom.

Despite the obvious humanity, intelligence, and thoughtfulness in *Freedom Beyond Sovereignty*, a similar utopianism hinders Sharon Krause’s book. She opens by declaring that the “United States promises freedom and justice to all, and as American citizens we have a collective obligation to fulfill this promise” (1). But this phrase, “freedom and justice for all,” which appears more than twenty times in her book, does not appear in any of the founding political documents of the United States of America. Nor have our greatest statesmen, well aware of the limits of what can be achieved in political life, ever understood this to be a “promise” that obliges its government and citizenry to uphold in all cases. As Abraham Lincoln argued in his speech “The Meaning of the Declaration of Independence,” the rights laid out in this venerable document constitute an aspirational standard, one to be pursued as prudence dictates and not as principle commands, and in full knowledge that we will always fall short of its lofty goals. Of course, even if one could

understand the United States to offer freedom and justice to all, Krause goes to great lengths in her book to distinguish freedom from agency and to argue that one can be free without being fully agentic; the realization of individual agency is the work of society rather than of the government. It is perhaps no accident then that Krause notes in her third chapter that the achievement of “freedom and justice for all” requires us to imagine and construct a “fundamentally new social order. . . one that does away with domination altogether” (101). To her credit, Krause strikes a more modest tone in her penultimate chapter (chap. 5), noting that securing freedom in one area risks sacrificing freedoms in other areas. But it would be helpful if such modesty tempered the insistence on securing “freedom and justice for all” that one finds elsewhere in her book.

In advancing a social agenda that will remedy the unjust and systematic inequalities plaguing American life, Krause is clearly hunting big game. And her optimism in thinking such game can be caught operates on an equally large assumption, namely, that there is no gap between truth and life, between political wisdom and political practice. To create a society in which “others understand your actions in ways that are consonant with your understanding of it. . . [and] respond to the action in ways that sustain its meaning and impact” (37) requires citizens to recognize and appreciate the infinite variety of ways in which their fellow citizens will understand themselves. This not only depends on a citizenry with remarkable powers of discernment (and a “Socrates” will always be misunderstood by the unwise), but also requires that one’s fellow citizens share the same posture towards the differences of others, a posture that goes well beyond tolerating others to include respecting, cherishing, and valuing them. Krause seeks to protect the agency of the marginalized by extending the scope of responsibility well past its logical limits.

The kind of social uniformity advocated by Krause here was described by the greatest student of American democracy as “tyranny of the majority,” a condition no less lethal to freedom and agency than the inequalities Krause deplores. Tocqueville understood that one could not simply deny someone the “social uptake” (to use Krause’s words) to act on his words and beliefs without negatively affecting his freedom to say and think what he wants. And it is disingenuous to say that someone, like the white supremacist in Krause’s example, enjoys freedom of speech when you tell him in advance that *no one will actually listen to him*. This is at odds with the kind of society that Krause

hopes will remain genuinely open to the diversity provided by vibrant cultural perspectives and authentically different individuals.

In fairness to our author, all good liberals on both the right and the left will naturally denounce the injustice of racial hierarchies and so some restrictions on agency must be acknowledged. But the criteria for restrictions on agency (“prevent harm to others and. . . be consistent with the equal exercise of freedom for all” [153]) will prove particularly elusive in a society where the failure to affirm the subjective identities of others is considered harmful because it contributes to systematic injustices. Whether she intends it or not, Krause’s work supports the environment, ever more fashionable on college campuses, in which the concern with microaggressions and the need for safe spaces erode the freedom of others to speak and act as they think best within the confines of the law. For if liberal individualism can require members of society to respect the claim of a man to identify as a woman, or a transgendered individual to live authentically as a “they,” then doesn’t it also deny to others the use of their natural reason to distinguish between the sexes or to insist on the difference between singular and plural? Indeed, it seems fair to wonder what happens to political freedom and democratic citizenship when the public use of reason gets subordinated to imagination and counterpublic conversation, tools Krause calls upon to serve the transformational goals of the marginalized (chap. 3). Isn’t such liberation from sovereignty really a liberation from reason? And can that really provide freedom and justice for all?